

AN ACT

TO AMEND THE ACTS RELATING TO THE

CORPORATION OF THE CITY OF MONTREAL,

AND FOR OTHER PURPOSES.

27 & 28 VICT., CAP. 60.



QUEBEC:

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An Act to amend the Acts relating to the Corporation
of the City of Montreal, and for other purposes.

[Assented to 30th June, 1864.]

WHEREAS the Corporation of the City of Montreal have by their petition represented that in consequence of the rapid extension of the City of Montreal, it has become necessary to make out a general plan of the said city, and to lay out, fix and determine the public streets and squares opened or to be opened, continued, extended or widened, within the limits of the said city, and for that purpose to vest in the said city, incorporated under the name of the Mayor, Aldermen and Citizens of Montreal, more ample powers than those conferred upon the said city by its Act of Incorporation, and the acts amending the same; and whereas much difficulty is often experienced in the carrying out of the laws now in force relating to the expropriations, for the purposes of public utility, and the delays and loss of time consequent upon the defective working of the said laws; and whereas it is expedient to make certain changes and modifications in the municipal administration of the said city: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

GENERAL PLAN OF THE CITY OF MONTREAL.

1. It shall be lawful for the said corporation, at any time, to cause public streets, highways, places and squares, within the whole extent of the limits of the said city, to be laid out, fixed and determined, at the city's expense, under the direction and supervision of the Road Committee and the City Surveyor, and

to give a name to each of the said public streets, highways, places, and squares; and for that purpose the said corporation may employ a sufficient number of surveyors or other competent persons who shall, with all due diligence, proceed to lay out, fix and determine, under the direction and supervision aforesaid, and under as uniform a system as circumstances may admit, such public streets, highways, places and squares, of such dimension, width, and extent, as may appear to them most desirable for the public interest; Provided any such highway or street shall not be less than forty feet in width.

2. The said surveyors or other persons employed in the exercise of the duties assigned to them, in and by the preceding section, may, and they are hereby authorized to, enter in day-time upon any property or real estate within the limits of the said city; they shall, under the direction and supervision aforesaid, make out plans or maps indicating the streets, highways, public places, and squares now existing, as well as those which they shall lay out and determine, by and in virtue of the present Act; and they shall designate upon the said plans or maps, the new lines of the streets or sections of streets, public highways, places and squares, that the said corporation may have resolved to widen, in the interest of the public; and they are hereby enjoined to place solid and durable boundary-stones at each angle or corner of the new streets and public squares, and places by them laid out and established; which said boundary-stones shall be shewn upon the said plans or maps.

3. It shall be lawful for the said corporation to cause the said streets, public highways, places and squares to be laid out, and the plan or map thereof to be made for each ward separately, according to the present division of the city, beginning by such ward as may be deemed advisable; but the plans or maps of the different wards of the said city shall be so made as to correspond with each other in such a manner as that, when completed, they shall make but one and the same plan, to be known as "The General Plan of the City of Montreal."

4. When the plan or map for any one of the wards of the said city shall be completed, the said corporation, by their attorney and counsel, shall apply, by summary petition to the Superior Court for Lower Canada, in the District of Montreal, to obtain the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which such petition shall be so presented in four newspapers, two of which published in the French language and two in the English language in the said city; provided that the said notice shall have at least two insertions in each of the said four newspapers, and that one month at least shall elapse between the date of the last insertion of the said notice, and that of the presentation of the said petition; the same formalities shall be

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observed for the plan or map of each of the other wards of the said city, as such plan is completed.

5. Every such plan or map of a ward, when confirmed by the said Superior Court, shall be final, decisive and binding upon the said corporation and the proprietors therein interested, and upon all other persons whomsoever; and no indemnity or damage shall be claimed or granted at the time of the opening of any of the new streets, public places or squares shewn on the said plan, or at the time of the widening of any of the streets, public places or squares indicated on the said plan, for any building or improvement whatsoever that the proprietors or other persons whomsoever may have made or caused to be made, after the confirmation of the said plan, upon any land or property, reserved either for new streets, public places or squares, or for the widening of any of the said streets, public places or squares of the said city; provided that nothing contained in this Act shall be construed as depriving the said corporation of the right of widening or extending any of the streets, public places or squares designated in the said plan, after its confirmation, if deemed advisable so to do.

6. A duplicate of each of the said plans shall be deposited immediately after its completion in the office of the Prothonotary of the said court, and another in the archives of the said corporation; and when such plan shall have been confirmed and ratified by the Superior Court as aforesaid, the City Clerk shall make an entry upon the duplicate of the said plan deposited in the archives of the said corporation in the following words: "confirmed by the Superior Court on the _____ day of _____, one thousand _____."

7. The said corporation of the City of Montreal shall have all the necessary powers to open to the public, whenever the said corporation shall deem it advantageous to do so in the interest of the city, any new street, highway, public place or square shewn on the said plans or maps, and also to widen any of the streets, public places or squares thereon indicated as widened, after having adopted, however, the formalities and procedure hereinafter prescribed relative to the mode of expropriation and the levying of special assessments.

8. The designation of new streets and public places or squares, in and by this Act, applies to such streets, public places or squares as have not been opened and named before the passing of this Act.

9. Any person who shall remove, or in any manner whatsoever injure, the boundary stones mentioned in the second section of this Act shall be held as guilty of a misdemeanor, and punishable accordingly; and it shall be competent for the Recorder's Court, of the said city, to take cognizance of, and adjudicate upon, such misdemeanors.

EXPROPRIATION AND SPECIAL ASSESSMENT.

10. The sixty-sixth, sixty-seventh, sixty-eighth, sixty-ninth, seventieth, seventy-first and seventy-fourth sections of the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter one hundred and twenty-eight, the fourth section of the Act passed in the sixteenth year of Her Majesty's reign, chapter one hundred and twenty-eight, and the thirty-fifth, thirty-sixth, thirty-seventh and fifty-first sections of the Act passed in twenty-third year of Her Majesty's reign, chapter seventy-two, and generally all the provisions of the said Acts, or any other Acts, inconsistent with the enactments of the present Act, shall be, and they are hereby severally repealed.

11. The Council of the said City of Montreal shall have full power and authority to order, by resolutions, the opening, extending or widening of streets, public highways, places or squares, or the construction of public buildings, and to order at the same time that such improvement shall be made out of the city funds, or that the cost thereof shall be assessed in whole or in part, upon the pieces or parcels of land belonging to parties interested in, or benefited by the said improvement, and to purchase, acquire, take and enter into any land, ground or real property whatsoever within the limits of the said city, either by private agreement or amicable arrangement between the Corporation of the said city and the proprietors or other persons interested, or by complying with all the formalities hereinafter prescribed, for opening streets, public squares, markets or other public places, or for continuing, enlarging or improving the same, or a portion of the same, or as a site for any public building to be erected by the said Council.

12. All corporations or bodies, and all husbands, tutors, guardians, curators *grevés de substitution* or trustees, who are or shall be seized or possessed of, or interested in any piece or pieces, lot or lots of ground or real property within the said city, selected and fixed upon by the said Council for any of the purposes aforesaid, may not only for themselves, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are, or shall be seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, *femes covert* or other persons, contract for, sell and convey such piece or pieces, lot or lots of ground or real property to the said Corporation; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all corporations and persons whatever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which he, she, or they shall respectively make by virtue of or in pursuance of this Act, without however diminishing, in any manner whatever, the

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12. In case the council of the said city, after having resolved upon undertaking and carrying out any of the said works or improvements for which it has been necessary to acquire one or more lots of ground or real property, or any part of such lots of ground or real property, within the limits of the said city, cannot come to an amicable arrangement with the persons seized or possessed of, upon any title whatsoever, or interested in, the said lots of ground or real property, or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lots of ground or real property, or any part thereof (the said corporation, however, shall not be bound to take any step or proceeding towards securing such amicable arrangement), such price or compensation shall be fixed and determined in the following manner, to wit :

1. The corporation of the said city, by their attorney or counsel, shall give special notice addressed through the Post Office to the person in whose name the property was lastly assessed on the Assessment Roll, as proprietor at his actual or last known domicile and shall also give public notice in at least two newspapers, one of which published in the French and the other in the English language, in the said city, which said notice shall have two insertions in each of the said newspapers, that they will by and through their said attorney and counsel present on the day and hour mentioned in the said notice, to the Superior Court of Lower Canada, in and for the District of Montreal, sitting in term, or to any of the Judges of the said Court in Chambers, pending the vacation, and during the months of July and August in each and every year, a petition calling upon the said Court or any one of the Judges thereof respectively, to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every such lot of ground or real property, or any part thereof, which may be required by the said corporation for the purposes of the said improvements, and which shall be designated in the said notice by giving the boundaries (*tenants et aboutissants*) ; and one month at least shall clapse from the date of the last insertion of the said notice in the said newspapers, to the day appointed for the presentation of the said petition ; and the said notice shall moreover, be posted in both languages, twenty days previous to the date of the presentation of the said petition, in three different places, upon each and every lot of ground or real property liable to expropriation, or in the immediate vicinity thereof ;

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2. The court or judge, as the case may be, to whom the said petition shall have been presented, shall appoint three commissioners as aforesaid, and fix the day on which the said commissioners shall begin their operations, and also the day on which they shall make their report; provided always, it shall be lawful for the said court, or the said judge, to extend the said delays upon reasonable grounds being shown to that effect;

3. The judgment embodying the said appointment shall be served, with as little delay as possible, upon the said commissioners, who shall be held to accept the said office and to perform the duties thereof, under the penalty of a fine of one hundred dollars, which it shall be competent for the said Superior Court to inflict upon each of the said commissioners upon proof of his, or their, refusal or neglect to perform the said duties; but the exemptions provided for, in behalf of certain persons, by the second section of chapter eighty-four of the consolidated statutes for Lower Canada, relating to Juries, shall apply equally to any of the said commissioners, who may appertain to any one of the classes of persons mentioned in the said last cited section;

4. Immediately after the appointment of the said commissioners, it shall be the duty of the city surveyor to furnish them with a plan or map shewing the proposed improvement, as also the pieces or parcels of ground or real estate to be expropriated;

5. The said commissioners, before proceeding, shall be duly sworn before the Prothonotary of the said Superior Court in the form specified in the annexed schedule, marked A; and they shall be vested with the same powers and entrusted with the same duties as are conferred by the laws in force in Lower Canada upon experts in reference to appraisements; and they shall be entitled to receive a remuneration not exceeding four dollars per day each, during the whole time they shall of necessity be occupied in the performance of the said duties;

6. The said commissioners may, if they deem proper, call upon the proprietors or parties interested, to give them communication of their title deeds; and upon their failing to comply with such demands the said commissioners are hereby authorized to procure copies of the said title deeds at the cost of the said proprietors or parties interested; and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested for the expropriation;

7. It shall be the duty of the said commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation which they shall deem just and reasonable for each of the pieces or parcels of land or real estate,

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the expropriation whereof shall have been resolved upon by the City Council or for the damages caused by such expropriations; and the same commissioners may act and adjudicate upon the price or compensation for all and every the pieces or parcels of land or real estate, buildings or parts of buildings thereon erected required for any improvement which the said council may have ordered to be made or carried out at one and the same time; and the said commissioners are hereby authorized and required to hear the parties and to examine and interrogate their witnesses, as well as the members of the city council and the witnesses of the said corporation; but the said examination and interrogatories shall be made *viva voce* and not in writing, and shall consequently not form part of the report to be made by the said commissioners, any law, usage or custom to the contrary notwithstanding; provided always, that if in the discharge of the duties devolving on the said commissioners by virtue of the present Act, there should occur a difference of opinion between them as to the value of the piece of land or real estate about to be expropriated, or upon any other question within their province, the decision of two of the said commissioners shall have the same force and effect as if all the said commissioners had concurred therein;

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8. In every case wherein the corporation of the said city may have resolved to carry out and execute any of the works or improvements aforesaid, at the city's expense exclusively, the said commissioners shall be held to determine and award when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said corporation, and they shall determine, first, the intrinsic value of the part of the property and premises to be taken, and, secondly, the increased value, if any, of the residue of the property caused by the proposed improvement, and the difference between the intrinsic value of the part of the property and premises required and the increased value aforesaid shall constitute the price or compensation which the party or parties interested shall be entitled to, and when the said commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part of the property and premises required, then they shall not award any price or compensation for the part so required or liable to expropriation;

8 If one or more of the said commissioners, at any time after their appointment, shall fail in the due performance of the duties assigned to them in and by the present Act, or shall not fulfil the said duties in a faithful, diligent, and impartial manner, it shall be lawful for the corporation of the said city, by its attorney, to apply, by summary petition, to the said Superior Court, or to a judge thereof, as the case may be, to stay the proceedings of the said commissioners, and to remove and

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replace the commissioner or commissioners who may have forfeited or violated his, or their, obligations; and upon such petition the said court, or judge, may issue such orders as may be deemed conformable to justice;

10. In case any of the said commissioners should, after being appointed, die, or be unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary petition to that effect, to be presented by the corporation of the said city, after two clear days' notice to be established to the satisfaction of such Court or Judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor;

11. So soon as the said commissioners shall have completed the proceedings relating to the appraisement, and determined the price or compensation for the pieces or parcels of land or real property about to be expropriated, they shall give public notice by means of two placards, one in the French and the other in the English language, to be posted upon or in the immediate vicinity of such pieces or parcels of land or real estate, that on the day mentioned in the said notice, all parties interested or claiming indemnity, who may consider themselves aggrieved by the said appraisement, shall be heard before them in one of the rooms of the City Hall; and when such parties aggrieved or claiming indemnity shall have been heard as as aforesaid, it shall be lawful for the said commissioners to main or modify, at their own discretion, the appraisement made by them of any piece or parcel of land or real estate as aforesaid;

12. On the day fixed in and by the judgment appointing the said commissioners, the corporation of the said city, by their attorney or counsel, shall submit to the said Superior Court, or to one of the Judges thereof respectively, the report containing the appraisement of the said commissioners, for the purpose of being confirmed and homologated to all intents and purposes; and the said Court or Judge, as the case may be, upon being ~~satisfied that the proceedings and formalities hereinafter provided for have been observed~~ shall pronounce the confirmation and homologation of the said report which shall be final as regards all parties interested, and consequently not open to any appeal.

13. In case any street, public place or square shall be laid out and determined before the confirmation and homologation of any of the plans or maps of the said city, hereinbefore provided for, or if any street, public place or square shown and designated on the said plans or maps, shall be widened or extended after the confirmation and homologation of the said plans or maps, no indemnity or damage shall be allowed or granted for buildings, structures or improvements which the proprietors or other persons whomsoever, shall have caused

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to be erected or made upon any of the pieces or parcels of land, or real property which the corporation of the said city may resolve to acquire for public purposes, from the time that the public notice mentioned in the sub-section number one of the next preceding section, shall have been posted upon the said pieces or parcels of land or real estate, as aforesaid.

15. The corporation of the said city shall, within fifteen days from and after the confirmation and homologation of the report of the said commissioners, make, in the hands of the Prothonotary of the said Superior Court, whose duty it shall be to grant to the said corporation a written acknowledgment thereof, a deposit and consignment of the price or compensation and damages settled and determined in and by the said report; and the act of such deposit and consignment shall constitute, in behalf of the corporation of the said city, a legal title to the property of each of the said pieces or parcels of land or real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of land or real estate, shall lose and be divested of all their rights or claims thereto, and the said corporation shall be vested with the said pieces or parcels of land or real estate, and may of right and without any further formality enter on possession of, and use the same for any of the purposes authorized in and by this Act; any law, statute or usage to the contrary notwithstanding.

16. Any expropriation made in virtue of the present Act shall have the effect of removing and paying off all mortgages or privileges with which the said pieces or parcels of land or real estate may be burdened or encumbered at the time; but the price or compensation deposited in the hands of the Prothonotary, as aforesaid, shall be held to represent the said pieces or parcels of land or real estate as regards all mortgages or privileged creditors, whose rank and priority shall be preserved in the distribution to be made of the money deposited conformably to this Act.

17. When the money shall have been deposited and consigned in the hands of the Prothonotary, in accordance with the provisions of the next preceding section, the said Superior Court shall determine the mode of calling forth the creditors of the party entitled to such money, or his legal representatives and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; Provided, always, that when the price or compensation and damages shall be paid in whole or in part to the party entitled to the same (but this proviso shall not be held to apply to his creditors,) the amount of such price or compensation and damages shall not be subject to the tax imposed by and in virtue of the twelfth Victoria, chapter one hundred and twelve, nor to the com-

mission which the Prothonotary of the said Superior Court is entitled to receive, nor to any tax, commission or impost.

18. All the provisions contained in the thirteenth section of the present Act with regard to the appointment of commissioners and the mode of ascertaining the value of the pieces or parcels of land or real estate taken by the corporation of the said city, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said corporation to any proprietor of real estate or his representatives, for any damage he or they may have sustained by reason of any alteration, made by order of the said council, in the level of any footpath or sidewalk, or by reason of the removal of any establishment subject to be removed under any by-law of the said corporation, or to any party by reason of any other act of the said council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the party sustaining the same and the said corporation shall not agree; and the amount of such compensation shall be paid at once by the said corporation to the party having a right to the same, without further formality; and any person who shall erect any building whatever upon or contiguous to any established or contemplated street, public place or square in the said city, without having previously obtained from the city surveyor the level of such street, public place or square, shall forfeit his or her claim for damages or compensation by reason of any injury caused to the property when such level shall be settled and determined by the said council, through the road committee.

19. In all cases where, for the purpose of opening any street, square, market-place or other public place, or for continuing, enlarging or otherwise improving the said streets, squares, market-places, or other public places, or as a site for any public building to be erected by the said corporation, the said corporation shall deem it advantageous to purchase and acquire, or take or enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said corporation so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; Provided, nevertheless, such extent do not exceed one hundred feet in depth by whatever length may exist, and such extent of one hundred feet may be taken out of one or both sides of the said street, square, market-place or site for any public building, in case the proposed improvement applies to both sides of such street, square, market-place or site, as aforesaid; Provided also that if any proprietor, a portion of whose property may be required for the above purposes, objects to the said corporation taking or acquiring more than the piece or parcel of his lot required for any of the said purposes, such proprietor shall make known his objection by causing a written notice to that effect to be served upon the said corporation at least two days

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previous to the day fixed as aforesaid on which the said Commissioners are to begin their operations; in which case the said corporation can only take and acquire the piece or parcel of land required for the improvement and no more.

20. The corporation of the said city may open, continue or widen any streets or highways, and establish public parks or squares, beyond the limits of the said city, and acquire any piece or parcel of land required for any of the said purposes, in the same manner, and by following the same formalities as those prescribed in and by the present Act for similar improvements within the limits of the said city; Provided, always, that before exercising any of the powers-conferred upon it by the present section, the said corporation shall be held to obtain the consent of the municipality within the limits of which such powers are to be exercised, and such last mentioned municipality is hereby empowered to exempt from any tax or assessment, if it sees fit so to do, the public parks, squares or public places to be opened or established as aforesaid.

21. Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said corporation of the city of Montreal, under the authority of this Act, may invest the price or compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same, without Her Majesty's Letters of Mortmain, any law to the contrary notwithstanding.

22. So soon as the report of the said commissioners shall have been confirmed and ratified by the said Court, or by one of the judges thereof, as the case may be, conformably to the tenth sub-section of the thirteenth section of this Act, it shall be the duty of the assessors of the said city, in all cases where the said Council may have ordered, in conformity with the eleventh section of this Act, that the cost of the said works or improvements shall be borne in whole or in part, by the proprietors or parties interested, benefited or to be benefited by the said works or improvements, to assess and apportion in such manner as to them may appear most reasonable and just, the price or compensation, indemnity, damage and cost of such expropriation or improvement, in whole or in part, conformably to the resolution of the said Council, upon all and every the pieces or parcels of land or real estate which have been benefited, or may hereafter be benefited by such improvement; and the said assessors shall have the exclusive power or privilege to determine what pieces or parcels of land or real estate shall have been or may be benefited, and to what relative or comparative amount; and the said assessors shall, for the purposes of the said improvement, base their valuation upon the actual value of the said pieces or parcels of land or real estate, in view of the said improvement.

23. Immediately after the completion of the said special assessment roll, the said assessors shall deposit the same, duly certified along with a plan or map, designating all and every the pieces or parcels of land or real estate subject to or liable for the said special assessment, in the office of the city clerk, for the examination and inspection of all parties interested ; and they shall give public notice of the completion and deposit of the said special assessment roll as aforesaid, in at least two newspapers published in the said city, which notice shall have least two insertions in one newspaper published in the French language, and a like number of insertions in one newspaper published in the English language ; and every proprietor or interested party may, within fifteen days from and after the last insertion of the said notice, apply to the said assessors to make known his grievances, in case such proprietor or interested party shall deem himself aggrieved by the manner in which his property may have been assessed, and thereupon the said assessors may, and they are hereby empowered to maintain or modify, at their discretion, the special assessment roll ; provided that the delay of fifteen days aforesaid once expired the said special assessment roll shall of right be confirmed and become in force by the mere lapse of time.

24. The special assessment mentioned in the next preceding section may be recovered by the corporation of the said city in the same manner as any other tax or assessment which the said corporation are authorized to impose by their charter and the several Acts amending the same.

25. The duties assigned to the said assessors by the twenty-first and twenty-second sections of the present Act may be performed with the same force and effect by the concurrent majority of the said assessors ; and in every case where a difference of opinion may arise between the said assessors, the decision of the majority of all the assessors shall have the same force and effect as if the whole of the said assessors had concurred therein.

26. The mode prescribed in the preceding sections for expropriations and for levying and determining special assessments shall have force and effect, and shall be followed and applied, not only as regards works and improvements which the council of the said city may hereafter order to be carried out, but also with respect to all and every the works and improvements which the said council may have resolved at any time before the passing of this Act to carry out.

27. It shall be lawful for the council of the said city to order, by resolution, certain works or improvements in the streets, public places or squares of the said city, such as dressed-stone paving, flagstone or brick footpath or side-walks, or grading, and to defray the cost of the said works or improve-

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ments out of the city funds, or to assess the cost thereof, in whole or in part, as the said council may, in their discretion, deem proper, upon the proprietors or usufructuaries of the real estate situate on either side of such streets, public places or squares in proportion of the frontage of the said real estate respectively; and in the latter case in shall be the duty of the city surveyor to apportion and assess the cost of the said works or improvements, or such part thereof as the said council may have determined should be borne by the said proprietors or usufructuaries upon the said real estate, according to the frontage thereof as aforesaid; and the said assessment, when so made and apportioned, shall be due and recoverable, the same as all other taxes and assessments, before the Recorder's Court.

28. Every person without a domicile or place of business within the limits of the said city, shall be deemed to be absent, within the meaning of the present Act.

29. Any bailiff of the Superior Court for the district of Montreal, may serve and post up the notifications required by the present Act, and make a return thereof under his oath of office.

WIDENING OF NOTRE DAME STREET.

30. Whereas, it has been found expedient and in the interest of the proprietors in Notre Dame Street, and also of the citizens of the city of Montreal generally, to complete the widening and enlarging of the said street, which may be considered as the leading thoroughfare of the said city, the said corporation is hereby authorized to carry out the said improvement in the manner hereinafter prescribed:

1. Notre Dame Street, in the said city, shall be widened in its whole extent, from Dalhousie Square to McGill Street, to a uniform width of forty-four feet, French measure; and the necessary ground or land for that purpose shall be taken on the north-west side of the said street, with the exception of a small portion at the extreme east end thereof, with requires to be widened on both sides;

2. That said Notre Dame Street, for the purposes of the said improvement, shall be divided into four sections, as follows:

First Section. That portion of Notre Dame Street lying between St. Lambert and St. François-Xavier Streets, between St. Peter and Dollard (late Guillaume) Streets, and between Gosford and Bonsecours Streets;

Second Section. That portion of Notre Dame Street lying between St. Peter and St. François Xavier Streets;

Third Section. That portion of Notre Dame Street lying between St. Lambert and St. Gabriel Streets, and between Dollard (late Guillaume) and McGill Streets ;

Fourth Section. That portion of Notre Dame Street lying between St. Gabriel and Gosford Street, and from Bonsecours Street to Dalhousie Square ;

3. One year shall be allowed to complete each section, the first year to begin the date of the passing of this Act ;

4. One half of the cost of the said improvement shall be borne by the said corporation out of the proceeds of the loan hereinafter provided for, or out of the general funds of the said city, and the other half by the proprietors in the said Notre Dame Street, by means of a special assessment to be levied, as hereinafter provided, upon the real estate fronting on Notre Dame Street, the whole of which shall be held to have been equally benefited by the said improvement, and shall be equally rated or assessed to provide one-half the expense of the said improvement, as aforesaid ; and the assessed value of all real estate fronting on the said street for the present year (one thousand eight hundred and sixty-four), shall be held to be the assessed value thereof for all the purposes of the said improvement ;

5. It shall be the duty of the said commissioners and they are hereby authorized, to take up each section of Notre Dame street as aforesaid *seriatim*, but without intermission, and to complete their labors for the four sections as early as possible before the expiration of the present year one thousand eight hundred and sixty-four ;

6. In the appraisalment or valuation to be made by the said Commissioners, of the pieces or parcels of land or real estate required to widen Notre Dame street as aforesaid, no claim for damages arising from leases made after the passing of this Act shall be considered as valid or binding upon the said corporation.

31. After the confirmation and homologation of the report of the said commissioners for each section of Notre Dame street as aforesaid, the council of the said city may levy, by by-law, a special rate or assessment on all real estate fronting on the said street, according to the assessed value thereof as aforesaid, sufficient to cover one-half the expenditure incurred in completing the widening of the section of Notre Dame street referred to and embraced in the said report, which said special rate or assessment shall be payable at such period or periods as the said council may fix and determine.

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32. It shall be lawful for the said council, by any such by-law, to extend the time or period fixed for the payment of the said rate or assessment, and to charge interest not exceeding seven per centum on the amount of all such rates or assessments for which a delay may be granted, as aforesaid.

33. Any proprietor in the second, third or fourth sections of Notre Dame street aforesaid, whose property, or a portion of whose property, is required for the said improvement, who may be desirous of anticipating the time fixed for carrying out the said improvement in front of his property, may do so, by amicable arrangement, at any time before the confirmation and homologation of the report of the said commissioners for the section of the said street in which such proprietor is interested, or after the confirmation and homologation of the said report by an acceptance of the terms or price set upon his property in the said report.

34. For the purpose of enabling the said corporation to meet its share of the expenditure to be incurred in widening Notre Dame street as aforesaid, it shall be lawful for the said corporation to effect a special loan, not to exceed one hundred and fifty thousand dollars, to be designated "The Notre Dame Street Loan."

MISCELLANEOUS PROVISIONS.

35. For the purpose of extending and completing the drainage of the said city, it shall be lawful for the said corporation to borrow, over and above the amount of the loan which the said corporation is authorized to make in and by the provisions of the first section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter forty-four, such sum or sums of money, not exceeding one hundred and fifty thousand dollars, as the said corporation may find it necessary or expedient to borrow for the extension and completion of the drainage of the city.

36. For the purpose of establishing a new Hay Market in the said city, it shall be lawful for the said corporation to effect a special loan of sixty thousand dollars, to be designated "The new Hay Market Loan."

37. It shall be lawful for the corporation of the said city to issue under the hand of the mayor and the seal of the said corporation, debentures or corporation bonds to the amount of the respective sums which the said corporation is empowered to borrow, in and by the three next preceding sections, payable twenty-five years after the date of the issue thereof respectively, and bearing interest, payable semi-annually, on the first day of May and November in the each and every year, and at a rate not exceeding six per centum per annum; and all such

debentures shall be headed with the words or title "*The Notre Dame Street Loan*," "*The Drainage Loan*," or "*The New Hay Market Loan*," at the case may be, to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient, and they may have coupons annexed to them for the half yearly interest payable on them, which coupons, being signed by the Mayor or the Treasurer of the said corporation, shall be respectively payable to the bearer thereof when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said corporation; and the possession of any such coupons by the corporation shall be *prima facie* evidence that the half year's interest therein mentioned has been paid according to the tenor of such debentures or bonds; and as well the interest as the principal thereof are and shall be secured on the general funds of the said corporation.

38. The amount which the said corporation is empowered to borrow by the next preceding sections, may be borrowed either in this Province or elsewhere; and the principal sum, and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money or the currency of this Province, or in that of the place where the same shall be payable; and generally all the provisions of the Acts now in force as to debentures issued by the said corporation shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

39. Whereas the mode hitherto adopted of enforcing payment of assessments, taxes, duties, water-rates and other city dues, by defaulters in the said city, has been found to be cumbersome and delatory and attended with great loss to the revenue of the said city; and whereas it is expedient to adopt a more summary and effectual mode of recovering the same: therefore, upon the return by the City Assessors, of the assessment roll for any of the wards of the said city, and the revision and completion of the same, or upon the return of any supplementary roll of assessment, the Treasurer of the said city shall give public notice (according to form B, in the schedule hereunto annexed) in at least two newspapers published in the English language, and two newspapers published in the French language, that the said assessment roll or supplementary return is completed and deposited in his office, and that all persons whose names appear therein as liable for the payment of any assessment, tax or duty, are required to pay the amount thereof to him or his assistants, at his office in the City Hall, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

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40. If at the expiration of the said twenty days any assessment, tax or duty remain unpaid, the said Treasurer shall leave, or cause to be left, at the usual place of residence, domicile, office or place of business of the person owing such assessment, tax or duty, or with him personally, a statement in detail of the various sums and of the total amount of assessments, taxes or duties exclusive of water rates, and shall at the same time, in and by a notice annexed to such statement, (according to form C, in the schedule hereunto annexed) demand payment of the assessment, taxes or duties therein mentioned, together with the costs of the service of such notice, according to such tariff as the council of the said city may establish.

41. The provisions of the next preceding section shall not apply to persons residing beyond the limits of the said city; the said persons shall be bound to pay their assessments, taxes or duties, within thirty days after the public notice mentioned in the forty-first section of this Act, without it being necessary that any demand should be made upon them either personally or at their domicile, office or place of business.

42. If any person in the said city neglects to pay the amount of assessments, taxes or duties imposed upon him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said city shall levy the same, with costs, by warrant to be issued by the Recorder's Court of the said city (according to form D, in the schedule hereunto annexed) authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of any goods and chattels in his possession, wherever the same can be found within the said city; and no claim of property or privilege thereon or thereto shall be available to prevent the sale thereof for the payment of the assessments, taxes or duties and costs, out of the proceeds thereof; provided always that any party having any hypothec, lien, or privilege upon property real or personal out of the proceeds of which the said Corporation shall be paid any assessments and which shall have accrued in respect of other property, such party shall be subrogated to and shall have the right to exercise the rights and privileges possessed by the said Corporation at the time of such payment in respect of such other property as to such assessments.

43. Before proceeding to the sale of the goods and chattels of any person indebted as aforesaid, the Treasurer of the said city shall give public notice (Form E) of the day and place of sale, and of the name of the person whose goods and chattels are to be sold, which said notice shall be affixed or posted in a conspicuous place at the entrance of the City Hall of the said city, at least forty-eight hours previous to such sale.

44. If the goods and chattels seized are sold for more than the whole amount of assessments, taxes or duties levied for and the costs attending the seizure and sale, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus is previously made by any other person by reason of any alleged right of property or privilege upon such surplus, and such claim is admitted by the person for whose assessments, taxes or duties the seizure was made, such surplus shall be paid to such claimant; and if such claim be contested, the surplus money shall be retained by the said Treasurer until the respective rights of the parties be determined by the Recorder's Court.

45. Within a week from and after the time appointed by any by-law of the said council for the payment of the water rates imposed for any supply of water given or furnished from the Montreal Water Works in the said city, the Treasurer of the said city shall give public notice (according to form F, in the schedule hereunto annexed) in at least two newspapers published in the French language, and two newspapers published in the English language, that the said water rates are due, and that all persons liable for the payment of any of the said rates are required to pay the amount thereof to him, at his office, within twenty days from the date of the last insertion of the said notice in the said newspapers; provided that the said notice shall have at least four insertions in each of the said newspapers.

46. If at the expiration of the said twenty days any of the said water rates remain unpaid, the said Treasurer shall leave, or cause to be left at the usual place of residence, domicile, office, or place of business of such person in arrear, or with him personally, a statement (according to form C, in the schedule hereunto annexed) in detail of the various sums and the total amount of water rates due by such person, and shall at the same time, in and by a notice annexed to such statement, demand payment of the water rates therein mentioned, together with the costs of the service of such notice, according to such tariff as the said council may establish.

47. If any person in the said city, neglects to pay the amount of water rates due by him, for the space of fifteen days after such demand made as aforesaid, the Treasurer of the said city shall levy the same with costs in the same manner as unpaid assessments, taxes or duties, are levied under the forty-second, forty-third and forty-fourth sections of this Act.

48. From and after the passing of this Act the City Clerk of the City of Montreal shall cease to Act *ex-officio* as Clerk of the Recorder's Court of the said city, but a fit and proper person shall be named and appointed during pleasure, by the

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council of the said city, to act as clerk of the said court, with the same powers as those conferred upon the City Clerk, in relation to the said court, by the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, and the Act sixteenth Victoria, chapter twenty-seven.

49. It shall not be necessary hereafter to register at full length the proceedings and judgments of the Recorder's Court, of the City of Montreal, in so far as regards the prosecution and conviction of all persons charged with drunkenness or with any of the offences mentioned in the thirty-second section of the Act twenty-third Victoria, chapter seventy-two, intitled: *An Act to amend the provisions of the several Acts for the incorporation of the city of Montreal*, but it shall suffice in such cases that a roll of all convictions before the said Court, giving the name of the defendant, the date of conviction and the nature of the offence, be kept, without further registration; any law or usage to the contrary notwithstanding.

50. The council of the said city shall have power, in any by-law or ordinance passed for any purpose set forth in the Act incorporating the said city, or any Acts amending the same, for enforcing the provisions thereof, to impose a fine not exceeding twenty dollars and costs, of prosecution, with imprisonment in the common gaol or in the house of correction, at hard labor, for a period not exceeding one calendar month.

51. All fines and penalties sued for, imposed, levied or recovered in the said Recorder's Court, under and by virtue of any Statute now or hereafter to be in force shall belong to and form part of the general fund of the said city, any law to the contrary notwithstanding.

52. If any person shall commit an assault and battery on any police officer or constable appointed under the Act fourteenth and fifteenth Victoria, chapter one hundred and twenty-eight, in the execution of his duty, or shall aid or incite any person so to do, every such offender, upon being convicted thereof before the Recorder's Court of the said city, shall, for every such offence, forfeit and pay a fine not exceeding twenty dollars and costs of prosecution, and shall, moreover, be imprisoned in the common gaol or the house of correction at hard labor, for a period not exceeding two calendar months; Provided always, the said court shall have the option to adjudge the said offender to the said fine and imprisonment with costs as aforesaid, or to the said fine and costs, and in default of immediate payment of the said fine and costs, that the said offender be imprisoned at hard labor for a period not exceeding two calendar months, unless the said fine and costs be sooner paid.

53. The Recorder's Court of the said City of Montreal shall have concurrent jurisdiction with the Circuit Court, or with

any Judge of the Superior Court in the District of Montreal, as to matters between Lessors and Lessees, and may act in virtue of the Act of the Consolidated Statutes for Lower Canada, chapter forty, intituled : *An Act concerning Lessors and Lessees*, and of the Legislative provisions amending the same, in the same manner and with the same formalities, as the said Circuit Court, or any of the Judges of the said Superior Court is directed to proceed in and by the above last cited Act, as regards the ejection of the lessee for committing waste upon the premises or part of the premises leased, or for refusing or neglecting to pay his rent or any part of his rent, or for using the premises leased, contrary to the intent for which they were leased, or because the term of his lease, either written, verbal, or presumed, is expired; and the said Recorder's Court shall have and possess, to that end, all the necessary powers and authority including that of issuing writs of summons, execution and possession, and to fix and determine the costs to be paid by the losing party, which cost however shall not include any attorney's fees; Provided always that the competence of the said Recorder's Court shall be limited to cases where the consideration or annual value of the property occupied shall not exceed the sum of one hundred dollars, and which shall apply to premises or real estate situate within the limits of the said city.

54. The said Recorder's Court shall also have summary jurisdiction over all demands not exceeding twenty-five dollars for the recovery of wages and salaries of servants, journeymen or laborers employed by the day.

55. Whereas by an Act of the Parliament of this Province, passed in the eighteenth year of Her Majesty's reign, chapter one hundred and forty-two, the property, estate, chattels and effects bequeathed by the late John Conrad Marsteller, for the purpose of establishing in the said City of Montreal a House of Industry where transferred from the hands of the late wardens of the House of Industry, to and made to vest in the said Corporation of the City of Montreal; and whereas it is believed that the purposes for which the said late John Conrad Marsteller so bequeathed the said property, will be more effectually accomplished by transferring the said property to a duly established and permanent Institution or Institutions in the said city, having for object to relieve and assist the poor: therefore, it shall be lawful for the corporation of the said city, at any time after the passing of this Act, to transfer all and every the estates, property, moneys, chattels and effects vested in and now in the hands and possession of the said corporation, as aforesaid, to any duly established and permanent institution or institutions, in the said City of Montreal, having for object to relieve and assist the poor, and provided with a House of Refuge, with power to hold, use, appropriate, sell and dispose of the said estates,

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property, moneys, chattels and effects to best advantage possible, for the exclusive purposes of a House of Night Refuge, notwithstanding anything contained in the said last cited Act; provided, however, and it is hereby expressly enacted, that in any institution or institutions to which a transfer may be made of the said estates, property, moneys, chattels and effects, or any part thereof, under the provisions of this section, admission shall be given to the poor, indiscriminately and without any distinction of creed or nationality.

56. Whereas the corporation of the said city is authorized in and by the Act passed in the twenty-seventh year of Her Majesty's reign, chapter fifty-four, to aid the Grand Trunk Railway Company of Canada in the establishment of a City Terminus at or near Chaboillez Square, in the said City of Montreal, by means of a grant of money to the amount of fifty thousand dollars; and whereas it is deemed more expedient that the said grant should be applied towards purchasing the necessary ground to be acquired for establishing the said railway terminus: therefore it shall be lawful for the corporation of the said city to purchase and acquire, in the same manner as the said corporation is authorized to acquire or expropriate property or real estate for the opening or widening of streets generally, in and by the present Act, all pieces or parcels of land or real estate required to establish, enlarge, or improve the said terminus and to connect the rails of the said company with the harbour of the said city from any point not more than four hundred feet beyond the south-western limits of the said city; provided, however, the price or compensation to be paid by the corporation of the said city for the said pieces or parcels of land or real estate, to be acquired as aforesaid, shall not exceed the said sum of fifty thousand dollars and that the excess of cost over or beyond that amount, if any, shall be borne and paid by the said company.

57. In addition to the subjects for the which corporation of the said city is authorized to pass by-laws, in and by the tenth section of the Act passed in the twenty-third year of Her Majesty's reign, chapter seventy-two, shall be included musical saloons or establishments wherein intoxicating liquors are sold and wherein instrumental music or singing, or both, are used as a means of attracting customers; and the council of the said city shall have power and authority, by any such by-law to license, regulate or prohibit any such musical saloons or establishments, under such conditions and restrictions as the said council may deem expedient impose in the interest of the public.

58. The council of the said city shall have power, from time to time, by a by-law or ordinance to make such rules and regulations, as to the erection and construction of houses or buildings of any description whatsoever, as the said council

may deem expedient for the safety of the citizens, or for preventing accidents by fire, or for the embellishment or better appearance of the said city and also for the regulation of the height of the chimneys of factories so as to render such factories as little injurious as possible to the health of the citizens; and by any such by-law or ordinance, the said council may appoint one or more fit and proper persons whose duty it shall be, and who are hereby authorized, to visit and examine at suitable times and hours, to be established in such by-laws, as well the interior as the exterior of all such houses or buildings in the said city, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed; and the said council may also, by any such by-law or ordinance, impose such fines not exceeding twenty dollars, with imprisonment not exceeding two calendar months unless such fine be sooner paid, as they may deem expedient for enforcing the same.

59. All the provisions of any law or laws inconsistent with the provisions of this Act shall be and the same are hereby repealed; and the present enactment shall not have the effect of reviving any Act or part of an Act repealed by the said law or laws.

60. Nothing herein contained shall be construed to repeal any by-law heretofore made under any Act or part of an Act or provision of law hereby repealed; and notwithstanding such repeal, every such by-law now in force shall have the same force and effect as if this Act had not been passed.

61. This Act shall be a Public Act.

FORM A.

"I, _____ having been appointed Commissioner under the provisions of the (*cite the Act*) do swear that I will faithfully, impartially, honestly, and diligently execute all the duties of the said office according to the best of my judgment and ability. So help me God."

FORM B.

Public notice is hereby given that the Assessment Roll of the City of Montreal, for the _____ ward of the said City, (*or the supplementary roll of Assessment for the ward of the said city*) is completed and is now deposited in the office of the undersigned, in the City Hall. All persons whose names appear therein as liable for the payment of any assessment, tax or duty, are hereby required to pay the amount thereof to the

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undersigned at his office, within twenty days from this day,
without further notice

City Treasurer.

CITY HALL,
Montreal, (date).

FORM C.

CORPORATION OF MONTREAL.

CORPORATION OF MONTREAL.

Mr.

MR.

COPY OF ACCOUNT

To the Mayor, Aldermen and Citizens of the City of Montreal,

Notice Served, \$

To Assessments, &c. or Water Rates, &c.

(Date of Notice.)

(Here State Account.)

Costs,

SIR,

Notice,

Take notice that, having failed to pay the above mentioned sum within the time prescribed by public notice, you are hereby required within fifteen days from the date hereof, to pay the same to me at my office, together with the costs of this notice and service thereof, as below, in default whereof, execution will issue against your Goods and Chattels

CITY HALL,
Montreal, (date)

Costs, (Signature)

Notice,

City Treasury.

FORM D.

Province of Canada, }
City and }
District of Montreal. }

IN THE RECORDER'S COURT OF THE
CITY OF MONTREAL.

The Recorder of the City of Montreal :

Debt.....\$

Costs.....

Warrant.....

To any Bailiff of the Recorder's Court, of the City of Montreal, in the said City and District of Montreal.

WHEREAS, A. B., (*name and designation of debtor*), hath been required by the Treasurer of the said City of Montreal, to pay into his hands for and on behalf of the said City, the sum of _____ being the amount due by him to the said City, as appears by the collection-roll of the said City for the year 18____; and whereas the said A. B. hath neglected and refused to pay unto the said Treasurer, within the period prescribed by law, the said sum of _____; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you do on such day as shall be indicated to you by the said treasurer, sell the said goods and chattels so by you detained, and do pay the money arising from such sale unto the treasurer of the said city, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B., or others whom it may concern, and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under the hand of the Clerk }
of the said Recorder's Court at Mon- }
treuil aforesaid, this }
day of _____ in the year }
of Our Lord }

Y. X.
Clerk of the
Recorder's Court.

FORM E.

Public notice is hereby given that on _____ next, the day of _____ instant, (*or next*), the goods and chattels of the parties hereinafter named and designated now under seizure for non-payment of assessments (*or other dues as the case may*

be,) will be sold by public auction, at the hours and places hereinafter mentioned, to wit :

NAMES.	AMOUNT.	PLACE OF SALE. No. STREET.	HOUR OF SALE.

(Signature).

City Treasurer.

CITY HALL,
Montreal, (date.)

FORM F.

Public notice is hereby given that the water rates for the current year are now due ; and all persons liable to pay the same, are hereby required to pay the amount thereof to the undersigned at his said office, within twenty days from this day, without further notice.

City Treasurer.

CITY HALL,
Montreal, (date)

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